

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AKORN HOLDING COMPANY LLC, *et al.*,¹

Debtors.

Chapter 7

Case No. 23-10253 (KBO)

(Jointly Administered)

GEORGE MILLER, Chapter 7 Trustee of the
bankruptcy estates of Akorn Holding Company
LLC, *et al.*,

Plaintiff,

v.

CENCORA, INC. f/k/a
AMERISOURCEBERGEN DRUG
CORPORATION, MWI VETERINARY SUPPLY
CO.,

Defendants.

Adv. Proc. No. 24-50043 (KBO)

Related Adv. D.I.: 1, 19

**CERTIFICATION OF COUNSEL REGARDING FURTHER EXTENSION OF TIME
FOR DEFENDANTS TO ANSWER, MOVE, OR OTHERWISE RESPOND TO
COMPLAINT**

The undersigned counsel to the above-captioned plaintiff (“Plaintiff”) and defendants (“Defendants”, and together with Plaintiff, the “Parties”) hereby certify as follows:

1. On April 15, 2024, Plaintiff commenced the above-captioned adversary proceeding by filing the *Complaint for (I) Payment of Goods Sold and Delivered, (II) Breach of Contract, (III)*

¹ The Debtors in these Chapter 7 Cases, along with the last four digits of each Debtor’s federal tax identification number, are: Akorn Holding Company LLC (9190); Akorn Intermediate Company LLC (6123) and Akorn Operating Company LLC (6184). The Debtors’ headquarters was located at 5605 CenterPoint Court, Gurnee, Illinois 60031.

Account Stated, (IV) Unjust Enrichment (In the Alternative), (V) Turnover of Accounts Receivable, and (VI) Disallowance of Claims [Adv. D.I. 1] (the “Complaint”).

2. On April 17, 2024, Plaintiff served the Complaint, together with the Summons filed on April 17, 2024 [Adv. D.I. 8], on Defendants.

3. Pursuant to the *Amended Scheduling Order* [Adv. D.I. 38], Defendants’ deadline to respond to the Complaint was on or before September 25, 2024 (the “Response Deadline”).

4. The Parties have agreed to further extend the Response Deadline through and including October 4, 2024. Pursuant to Rule 7012-2 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, the Parties respectfully request that the Court enter an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the Response Deadline.

[Remainder of Page Left Intentionally Blank]

WHEREFORE, the Parties respectfully request that the Court enter the Proposed Order at its earliest convenience.

Dated: September 25, 2024

SAUL EWING LLP

/s/ Evan T. Miller

Evan T. Miller (DE Bar No. 5364)
Paige N. Topper (DE Bar No. 6470)
1201 N. Market Street, Suite 2300
Wilmington, DE 19801
Telephone: (302) 421-6800
evan.miller@saul.com
paige.topper@saul.com

and

Michelle G. Novick (admitted *pro hac vice*)
161 North Clark Street, Suite 4200
Chicago, IL 60601
Telephone: (312) 876-7899
michelle.novick@saul.com

and

Turner N. Falk (admitted *pro hac vice*)
1500 Market Street, 38th Floor
Philadelphia, PA 19102
Telephone: (215) 972-8415
turner.falk@saul.com

Counsel to Plaintiff

**KLEHR HARRISON HARVEY
BRANZBURG LLP**

/s/ Michael W. Yurkewicz

Michael W. Yurkewicz (DE Bar No. 4165)
Alyssa Radovanovich (DE Bar No. 7101)
919 N. Market Street, Suite 1000
Wilmington, Delaware 19801
Telephone: (302) 426-1189
Facsimile (302) 426-9193
myurkewicz@klehr.com
aradovanovich@klehr.com

and

Morton R. Branzburg (admitted *pro hac vice*)
Ryan M. Moore (admitted *pro hac vice*)
1835 Market Street, 14th Floor
Philadelphia, PA 19103
Telephone: (215) 569-2700
Facsimile: (215) 568-6603
mbranzburg@klehr.com
rmoore@klehr.com

Counsel to Defendants